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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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ROLANDER

09/229/0104

MARSHALL J. BROWN
FOLEY & LARDNER
SUITE 1300
330 NORTH WABASH AVENUE
CHICAGO IL 60611-3608

0932/0607

EXAMINER

CASTELLANO, S

ART UNIT

PAPER NUMBER

3727

DATE MAILED:

06/07/03

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/687654

Applicant(s)

Molander

Examiner

Castellano

Group Art Unit

3727

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-13 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-13 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Toughness is not understood to represent a specific material quality, and could mean the same as rigidity. The claim would contradict itself if toughness refers to rigidity because the material of the hinge elements couldn't be more rigid and less rigid, simultaneously.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-9, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilgus.

Wilgus discloses a box blank formed from plastic and comprising plastic hinge elements (the sections of the liner that are adjacent to the edges of the panels) connecting a plurality of panels of rigid polyurethane foam. The outer skin of the liner wouldn't be considered foam.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flinn Jr. (Flinn).

Flinn discloses a box that can be flat in an unassembled position, the box includes panels forming the sides and hinge elements (18a, b, 23b, 42c, 43c, 49c, d) connecting the panels to each other the hinge elements can use adhesive to secure the strips of the hinge elements to the edges of the panels. The box and panels are made of a relatively rigid material which can be plastic. Relatively rigid plastic such as PVC, polyethylene and polypropylene are known to be different from adhesives. Flinn discloses the invention except for the plastic material of the hinge elements and the adhesive of the hinge element as being plastic. Epoxy resin is a well known plastic adhesive. It would have been obvious to use specifically epoxy resin as the adhesive in order to provide a securely fastened joint which would not adversely react with the resin of the rigid plastic panels by degrading the plastic at the joint.

7. Claims 4-6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flinn or Wilgus in view of Reuter.

Flinn or Wilgus disclose the invention except for the materials of rubber modified polypropylene and rubber modified polyethylene for the hinge element and polypropylene and polyethylene for the panels. Reuter teaches a lid which has flexible hinge portions, the entire lid is made of rubber modified polypropylene. Rubber modified polyethylene is a known material. It

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would have been obvious to modify the hinge elements to be rubber modified polypropylene in order to provide a flexible material which is durable as well. It would have been obvious to modify the hinge elements to be rubber modified polyethylene in order to provide a flexible material which is durable as well. It would have been obvious to make the panels polypropylene or polyethylene in order to provide a durable and easily cleanable surface.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703)305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into group 3720 will be promptly forwarded to the examiner.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is (703)-308-1035.



Stephen Castellano
Primary Examiner
Art Unit 3727

May 30, 2001